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COMMISSIONERS
TOM FORESE - Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD DUNN



BOB BURNS
Commissioner

ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

MAY 11 2017

May 11, 2017

DOCKETED BY

KM GB

REF: APS Rate Case Docket No. E-01345A-06-0036, E-01345A-16-0123

Dear Chairman Forese:

I appreciate your attempt to schedule my urgent Staff Meeting request by ~~early~~ next week, and your commitment in today's letter to "continue to work with all offices to secure a time when Commissioners are available." As explained below, it is critical that your efforts proceed immediately and that we have the question of an expedited meeting resolved without any further delay. Please, therefore, immediately implement the calendaring process I request below.

You can imagine my surprise to learn through the prior e-mails, confirmed by your letter today, that no Commissioner is available to even call into a meeting at any time of any day over three different days covering two different weeks, on May 11, 15 or 16. We have not been told specifically why everyone is completely unavailable, nor have any of the other Commissioners offered the professional courtesy of suggesting other dates and times in the next week when they could make themselves available. I am perplexed, given the historic openness and flexibility of commissioners to emergency or expedited meetings, our technological ability to accommodate everyone's appearance by phone or other electronic means, and the historic professional courtesies extended to try and facilitate meetings of importance to another Commissioner and/or Commission Staff, why every other Commissioner's schedule is so unusually filled and inflexible in this one case.

I am also concerned about any concerted attempts to delay or avoid the meeting because the issues I have asked to meet about specifically raise issues of Commissioner disqualification and bias in favor of APS or its parent corporation. These are not matters that responsible elected officials wielding constitutionally delegated judicial powers should desire to avoid, especially with the APS rate request and proposed settlement pending. I believe I am entitled to ensure that the unavailability of the other Commissioners does not reflect something other than true, pre-existing calendar conflicts. My concerns are particularly heightened given prior attempts this year to frustrate my bringing matters to a public meeting. This pattern of retributive behavior would be particularly inappropriate if employed to silence inquiry into fundamental questions of Commissioner bias and disqualification. I am sure you can appreciate my concerns, even if you disagree with them.

I believe that I, and the voters that rely on us all, require greater accountability and expedited action in this matter. I therefore request that your office immediately request all Commissioners' calendar availability for all of next week in order to get this meeting calendared and noticed for next week. If the Commissioners' calendars literally show they are booked with prior commitments at all times (including evening and early morning hours) every day next week, I ask that you provide me the calendars so that I can personally evaluate what is blocking the meeting and ask the other Commissioners for appropriate

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rearrangement of their conflicts. If you and your staff are unable to undertake the calendar review and coordination, I request that you provide me copies of your and the other three Commissioners' full calendars for next week, and I would be happy to review them to possibly propose alternative meeting times that may yet allow us to obtain a quorum before next week is out.

Finally, it is my understanding that all five Commissioners will be attending the Western NARUC conference from Sunday-Wednesday the following week, May 21-24. If the Commissioner calendars do confirm that no other Commissioner is available to be physically present or even call into a meeting next week, and I cannot work out appropriate calendar shuffling by the other Commissioners, an alternative option would be to find a time to meet during that conference as we all will be in attendance. I request that in addition to providing me all other Commissioners' calendars if you cannot arrange a meeting time next week, you and the other Commissioners provide me dates and times you all are available to meet at the NARUC conference. (We can broadcast that meeting back to Arizona.)

Time is of the essence. I ask that you reply to this request by 12:00 p.m. (noon) tomorrow, May 12, 2017, and let me know you are honoring my requests. If you do not intend to honor my requests, I ask that you detail why not.

Thank you for your consideration of my urgent request.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Burns". The signature is fluid and cursive, with a large, stylized "B" and "R".

Robert L. Burns
Commissioner

cc: Ted Vogt, Executive Director
Andy Kvesic, Director/Chief Counsel, Legal Division



CERTIFICATION OF SERVICE

On this 11th day of May, 2017, the foregoing document was filed with Docket Control as correspondence from Commissioner Bob Burns and copies of the following who have not consented to email were mailed on behalf of the Commissioner to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commissioner's eDocket program will automatically email a link of the foregoing document to the following who have consented to email service.

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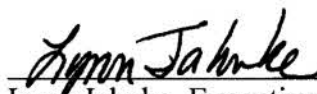
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